IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
CIVIL APPLICATION NO. 894 OF 2007
IN
WRIT PETITION NO. 5405 OF 1997

Dr.Mahabaleshwar Vishnu Hegde .... PETIIONER
V/S.
The University of Pune & another .... RESPONDENTS

Mr.Vinay Bhat for the petitioner

CORAM : A.P.DESHPANDE, J.
DATE : 8TH JUNE, 2007.

P.C. :-

1. This application is filed by the original petitioner for setting aside the order, dismissing the writ petition in default for non appearance of the counsel and for its restoration. As there is some delay in filing of the application prayer for condonation of delay is also made. It is stated in the application that intially Advocate Dr. Avinash Shivade was incharge of the brief and after his death Advocate Moghe came to be engaged by the petitioner. Immediately after engaging Shri Moghe Advocate the writ petition suddenly came to be listed for hearing and as Shri Moghe was not in town the matter came to be dismissed. The learned Counsel for the appellant urged that the client ought not to suffer for the lapses on the part of the Counsel, and hence, the prayer is made for restoration. For the reasons stated in the Civil Application the delay is condoned. Civil Application is allowed. Impugned order of the dismissal of the Writ Petition is set aside. Petition is restored to file. Civil Application disposed of accordingly.

A.P.DESHPANDE J.